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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,527	12/13/2000	Paul F. Austin	5150-47600	9833

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EXAMINER

BASOM, BLAINE T

ART UNIT PAPER NUMBER

2173

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,527

Applicant(s)

AUSTIN ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 89-98, 100-115 and 117-123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 89-98, 100-115 and 117-123 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

In view of the appeal brief filed on 1/11/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 89-98, 100-115, and 117-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370,569, which is attributed to Austin, and also over U.S. Patent No. 5,903,728, which is attributed to Semenzato. In general, Austin teaches a DataSocket client, which may be implemented within a plurality of different types of applications, to access

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data from various sources providing data of various formats (for example, see column 2, lines 20-42).

Specifically regarding claims 89, 105, 106, and 122, Austin teaches: displaying a GUI element for the DataSocket, which may be associated with graphical program on a display of a first computer system, wherein the graphical program comprises a plurality of interconnected nodes which visually indicate the functionality of the graphical program (for example, see figures 6-7; column 16, lines 1-44; and column 17, lines 34-44); receiving user specifying a data source with which to associate the GUI element (for example, see column 2, line 62 – column 3, line 21; and column 12, line 55 – column 12, line 6); in response to receiving the user input, automatically configuring the GUI element to receive and display data from the specified data source (for example, see column 3, lines 9-21; and column 13, lines 50-65); receiving data from the specified data source, wherein the data includes information specifying a first type of data (see column 3, lines 9-33; and column 13, line 66 – column 14, line 9); automatically determining if there is built-in support for the specified data type (for example, see column 14, lines 9-59); and displaying the received data content from the specified data source in the first GUI element (for example, see column 16, lines 1-44). Austin further teaches that if the DataSocket cannot recognize the data type of the data from the data source, than it attempts to find a plug-in to process the data (for example, see column 3, lines 21-33). Austin, however, does not explicitly teach: if the first GUI element cannot display data of the first data type, i.e. cannot recognize the first type of data, automatically substituting a second GUI element for the first GUI element, wherein the second GUI element can display data of the first data type; and

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displaying the received data from the specified data source on the second GUI element, as is expressed in claim 89. Nevertheless, such teachings are well-known in the art.

For example, Semenzato discloses a browser application, which like the DataSocket of Austin, is used to access data from remote sources specified by URLs. As known in the art, plug-ins associated with such browsers may be instantiated in response to the browser application receiving from a user-specified source a type of data in which it cannot process. Semenzato specifies that such plug-ins may create particular GUI elements for displaying the data (for example, see column 3, lines 23-35). Additionally, it is understood that such GUI elements may be displayed in their own window, separate from that of the browser, as is known in the art. In such circumstances, a first GUI element, particularly that associated with a browser, is displayed on a display of a first computer system; user input specifying a data source with which to associated the first GUI element is received; it is automatically determined that the first GUI element cannot display data of the first data type; a second GUI element, specifically that associated with a plug-in, is automatically substituted for the first GUI element, wherein the second GUI element can display data of the first type; and the received data from the specified data source is displayed on the second GUI element.

Consequently, it would have been obvious to one of ordinary skill in the art, having the teachings of Austin and Semenzato before him at the time the invention was made, to modify the plug-ins taught by Austin to include their own GUI, like taught by Semenzato, whereby if the first GUI element cannot display the received data, the GUI of the plug-in does. It would have been advantageous to one of ordinary skill to utilize such a combination because such plug-in GUIs allows customized interface elements for each of a plurality of data types, thus allowing for

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more specific control elements to be displayed for a given data type, as is demonstrated by Semenzato. Consequently, Austin and Semenzato are considered to teach a method like that recited in claim 89. It is understood that this method is implemented with a computer (for example, see column 7, line 41 – column 8, line 6). Such a computer implementing the above-described method of Austin and Semenzato is considered to comprise a memory medium, like that recited in claim 105, which stores program instructions for configuring a GUI element to subscribe to a data source. Additionally, and specifically regarding claim 106, Austin discloses that if the DataSocket cannot recognize the first data type, and there is no associated plug-in for the first data type, then an invalid condition is indicated (for example, see column 14, lines 50-59). Accordingly, Austin and Semenzato are further considered to teach a method like that recited in claim 106. It is understood that this method is implemented with a computer, as is asserted above. Such a computer implementing the above-described method of Semenzato is considered to comprise a memory medium, like that recited in claim 122, which stores program instructions for configuring a GUI element to subscribe to a data source.

As per claims 96-98, 113-115, and 123, Austin discloses that such a method may be implemented during creation of a graphical program (for example, see column 7, lines 48-55; and column 17, lines 34-59). The GUI element associated with the DataSocket is thus considered a user interface associated with this graphical program. Accordingly, displaying the first GUI element, receiving the user input specifying the data source, automatically configuring the first GUI element, receiving data, automatically determining, automatically substituting the second GUI element, and displaying the received data may be performed during development of the graphical program. Concerning claims 97, 98, 114, and 115, it is understood that, during

execution, either of the plug-in or browser is operable to receive and display data from the specified data source, as is described above.

Concerning claims 90 and 107, it is understood that the data source accessed by the DataSocket may be located remotely from the computer system executing the DataSocket, and coupled to the computer system over a network, wherein the data source is specified by a URL input by the user (for example, see column 2, line 63- column 3, line 21; and column 8, line 63 – column 9, line 8 of Austin). Consequently, it is further understood that configuring the first GUI element, namely that associated with the DataSocket, comprises automatically configuring the element to connect to the data source in order to receive data from the source.

As per claims 91-94 and 108-111, it is understood that the only user input involved in configuring the DataSocket to receive and display data from a data source may be that of entering a URL specifying the data source (for example, see column 2, line 63 – column 3, line 21 of Austin). The first GUI element, i.e. that associated with the DataSocket, is thus considered to be automatically configured without user programming and without user input specifying source code. It is understood that, if the data is of an appropriate type, this GUI element receives and displays data from the specified data source after it is configured to do so, like expressed in claims 94 and 111. Additionally, Austin discloses that the URL is entered via a text box, i.e. a dialog box, like recited in claim 93.

With respect to claims 95 and 112, it is understood that the data source accessed by the DataSocket of Austin may comprised in a second computer system, namely a server, which is remotely located from the computer system executing the DataSocket, and wherein the computer system is operable to connect to the second computer system over a network (for example, see

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column 2, line 63- column 3, line 21; and column 8, line 63 – column 9, line 8 of Austin).

Consequently, it is understood that configuring the DataSocket comprises automatically configuring the DataSocket to connect to the second computer system and receive and display data from the specified data source.

Regarding claims 100-101 and 117-118, it is understood that the specified data source accessed by the DataSocket of Semenzato may be an HTTP server (for example, see column 2, line 63- column 3, line 21; and column 8, line 63 – column 9, line 8 of Austin). This data source may thus be remotely located from the computer system of the user, and therefore, the first data source may be a remote data source associated with a remote computer, wherein automatically configuring the GUI element comprises automatically configuring the GUI element to connect to the remote data source and receive and display data from the remote data source during program execution.

In reference to claims 102 and 119, Austin further teaches executing a computer program operable to publish live data to the remote data source, whereby the GUI element associated with the DataSocket is operable to display the live data (for example, see column 12, lines 11-27).

In reference to claims 103-104 and 120-121, Austin teaches a method like that of claims 89 and 106, whereby as described above, a GUI element of a plug-in is automatically configured to connect to a specified remote data source and receive and display data from the remote data source. It is understood that the data may be live data, like recited in claims 103 and 120, or measurement data, like recited in claims 104 and 121 (for example, see column 6, lines 43-48; and column 12, lines 11-27).



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## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb  
4/2/2006

Tadav